

Please indicate County where your project is located here:

Merced/Mariposa

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

PETITION FOR CHANGE INVOLVING WATER TRANSFERS

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion Wat. Code, § 1701
Point of Rediversion Wat. Code, § 1701
Place of Use Wat. Code, § 1701
Purpose of Use Wat. Code, § 1701
Temporary Urgency Wat. Code, § 1435
Temporary Change Wat. Code, § 1725
Long-term Transfer Wat. Code, §§ 382, 1735
Instream Flow Dedication Wat. Code, § 1707

Application 1224 Permit 914 License 2685 Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Present: See Attachment.
Proposed: No Change Requested.

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present: See Attachment.
Proposed: See Attachment.

Purpose of Use

Present: No Change Requested.
Proposed: No Change Requested.

Instream Flow Dedication - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Upstream Location:
Downstream Location:

Table with 12 columns for months (Jan-Dec) and 2 rows for flow quantities (cubic feet per second or gallons per day).

Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Proposed New User(s)

Provide the names, addresses, and phone numbers for all proposed new user(s) of the water right.

See Attachment.

Amount of Water to be Transferred

Up to 20,000 acre-feet will be transferred. If the basis of right is direct diversion, the average rate of diversion for the maximum 30-day period of use is Not Applicable cubic feet per second or million gallons per day.

General Information – Provide the following information, if applicable to your proposed change(s).

Have you attached an analysis which documents that the amount of water to be transferred or exchanged would have been consumptively used or stored in the absence of the proposed temporary change or long-term transfer? Yes No

Have you attached an analysis of any changes to streamflow, water quality, timing of diversion or use, return flows, or effects on legal users from the proposed temporary change or long-term transfer? Yes No

Have you attached an analysis that shows the proposed temporary change or long-term transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses? Yes No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:
 ownership lease verbal agreement written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Not Applicable.

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

Not Applicable. See Attachment.

All Right Holders Must Sign Below: I (we) declare under penalty of perjury that this involves only the amount of water which would have been consumptively used or stored in the absence of the proposed temporary change, and that the above is true and correct to the best of my (our) knowledge and belief.

Dated May 17, 2019 at Sacramento, CA


Right Holder or Authorized Agent Signature
DARREN B. CORDOVA, ON BEHALF OF MARIPOSA IRRIGATION DISTRICT

Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, available at:
http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

**Attachment to Petition for Temporary Transfer
License 2685 (Application 1224)
held by Merced Irrigation District**

PURPOSE OF PETITION

The purpose of this Petition for Change Involving Water Transfers (Petition) is to add an additional place of use under Merced Irrigation District's (Merced) License 2685 (Application 1224) for the release of up to 20,000 AF of surface water for use on lands within Merced County. The releases by Merced for the proposed water transfer would occur beginning upon approval of this Petition. The proposed addition to the place of use includes an area known as Merced's Sphere of Influence Lands (SOI Lands), an area known as the Red Top Area, Le Grand-Athlone Water District, Lone Tree Mutual Water Company, East Side Water District, Turner Island Water District, and Chowchilla Water District (collectively, "Transferees"), which are all located within Merced County as shown on the map accompanying this Petition. The majority of the SOI Lands currently, and have historically received surface water from Merced during years that Merced's Board of Directors determines that adequate natural flow is available under its Pre-1914 claims from the Merced River. During months when surface water is not available under Merced's Pre-1914 claims for delivery to SOI Lands, the individual landowners meet their water demands through alternate supplies, such as groundwater. The landowners within the nearby areas and entities listed above also meet water demands through alternate supplies; and the proposed water transfer would offset a portion of those supplies.

In recent years, Merced has petitioned and received approval from the Division of Water Rights for a temporary water transfer to provide surface water deliveries to properties located within the boundaries of the Transferees. Merced is filing this Petition in order to provide surface water supplies for the Transferees, in a manner similar to the temporary water transfers completed during those recent years. The proposed addition to the place of use is a gross area of 241,556 acres. The surface water supply proposed to be made available to the Transferees is diverted, stored, rediverted, and conveyed through Merced's existing facilities; and thus, no construction is proposed under this Petition.

The quantity of surface water proposed to be released by Merced for delivery to the Transferees will be made available by releases of up to 20,000 AF from Lake McClure (New Exchequer Dam). The releases by Merced for the proposed water transfer would occur beginning upon approval of this Petition and potentially during a period of up to one year following approval of this Petition. Releases of previously stored surface water involve the delivery of water to the Transferees and refill of the reservoir, which normally occurs during periods of high runoff. Merced will implement refill criteria to ensure no impact occurs to downstream water right holders. Absent the proposed temporary transfer, Merced would retain the entire quantity proposed for transfer in storage pursuant to its water right.

POINT OF DIVERSION OR REDIVERSION

No change in Merced's present points of diversion or points of rediversion are proposed. Merced's authorized points of diversion and rediversion under License 2685 are listed below:

Present Points of Diversion:

New Exchequer Dam (Lake McClure)

The point of diversion to storage of such water is located South thirty-eight degrees, no minutes West (S 38° 0' W), thirty eight hundred (3800) feet from the NE corner of Section 13, T4S, R15E, MBD&M, being within the NW ¼ of SE ¼ of said Section 13 in Mariposa County.

Merced Falls Diversion Dam for Northside Canal

Point of direct diversion and rediversion from Merced River for Northside Canal is located North sixty eight degrees, no minutes West (N 68° 0' W) twenty seven hundred fifty (2750) feet from the SE corner of Section 4, T5S, R15E, MDB&M., being within the SW ¼ of SE ¼ of Section 7 in Merced County.

Crocker-Huffman Diversion Dam for Main Canal

Point of direct diversion and rediversion from Merced River for Main Canal is located North forty seven degrees, thirty minutes East (N 47° 30'E) twenty eight hundred thirty (2830) feet from the SW corner of Section 7, T5S, R15E, MDB&M, being within the NE ¼ of SW ¼ of said Section 7 in Merced County.

Mariposa Town Planning Area

Point of direct diversion from Merced River for Mariposa Town Planning Area Main is located at a point North 48°34'35" West 1,113 feet from SE corner of Section 9, within the SE ¼ of the SE ¼ of Section 9, T4S, R18E, MDB&M in Mariposa County.

Present Points of Rediversion:

Merced Falls Diversion Dam for Northside Canal

Point of direct diversion and rediversion from Merced River for Northside Canal is located North sixty eight degrees, no minutes West (N 68° 0' W) twenty seven hundred fifty (2750) feet from the SE corner of Section 4, T5S, R15E, MDB&M., being within the SW ¼ of SE ¼ of Section 7 in Merced County.

Crocker-Huffman Diversion Dam for Main Canal

Point of direct diversion and rediversion from Merced River for Main Canal is located North forty seven degrees, thirty minutes East (N 47° 30'E) twenty eight hundred thirty (2830) feet from the SW corner of Section 7, T5S, R15E, MDB&M, being within the NE ¼ of SW ¼ of said Section 7 in Merced County.

Duck Slough (formerly El Nido Irrigation District)

Point of rediversion located on Duck Slough at a point 100 feet North and 50 feet East of ¼ Cor. Sections 10 and 11, T8S, R14E, within the SW ¼ of the NW ¼ Section 11, T8S, R14E, MDB&M in Merced County. This point of rediversion is associated with the former place of use for El Nido Irrigation District described below and in Licenses 6032 and 9429 (Applications 8238 and 18774), formerly held by El Nido Irrigation District and now held by Merced.

Proposed:

No change in the present points of diversion and rediversion is proposed.

PLACE OF USE

Present Places of Use:

Domestic and irrigation purposes on 164,395 gross acreage within the boundaries of Merced Irrigation District as shown on map of District filed with the Division of Water Rights December 11, 1942.

Municipal use to 1,900 acres known as the Mariposa Town Planning Area, located within portions of projected Sections 9, 10, 11, 14, 15, 16, 22, 23, 24, 25, 26, and 36, T5S, R18E, MDB&M, as shown on a map on file with the State Water Resources Control Board dated May 1, 1995.

Irrigation purposes on 9,418.6 acres within the boundaries of the former El Nido Irrigation District as shown on map of El Nido Irrigation District filed with the Division of Water Rights for Application 8238. El Nido Irrigation District has been consolidated with Merced.

Proposed Place of Use:

No change to the present place of use is proposed. The following lands are proposed to be added to the place of use:

Irrigation within a gross area of up to 241,556 acres as shown on the attached map titled “Merced Irrigation District Map to Accompany Petition for Temporary Transfer under License 2685 (Application 1224) Proposed Addition to Place of Use”.

Merced Irrigation District License 2685 (Application 1224)
Attachment to Petition for Temporary Transfer

PROPOSED NEW USERS

Chowchilla Water District
Doug Welch, General Manager
P.O. Box 905
Chowchilla, CA 93610
559-665-3747

East Side Water District
Ward Burroughs
P.O. Box 280
Denair, CA 95316
209-874-9400

Le Grand-Athlone Water District
Brad Robson
66510 Minturn Road
Le Grand, CA 95333
800-532-1500

Lone Tree Mutual Water Company
George Park, General Manager
5002 West El Nido Road
El Nido, CA 95317
209-722-3997

Sphere of Influence Landowners
c/o Gary Sawyers
652 W Cromwell Ave, Ste. 101
Fresno, CA 93711
559-438-5656

Red Top Area
c/o Chase Hurley
1929 Aspen Court
Los Banos, CA 93635
209-704-5105

Turner Island Water District
Scott Skinner
1269 West I Street
Los Banos, CA 93635
(209)827-7700

GENERAL INFORMATION

Releases of water from storage will increase the streamflow between Lake McClure and Merced's Main Canal and Northside Canal by up to 20,000 AF during the period of releases in order to convey stored surface water for redistribution to the Transferees. The quantity of surface water delivered to the Transferees will be made available from Merced by releases of previously stored water. Merced will continue to make available the same surface water supplies to its existing customers with or without the proposed temporary water transfer. In addition, Merced is required to release water to meet its other existing downstream commitments and requirements on the Merced River below the inlet to its Main Canal. Deliveries to the Transferees will be in addition to existing downstream requirements. Therefore, there will be no downstream change of the streamflow, water quality, timing of diversion, return flows, effects on legal users of water, or change in the purposes of use authorized by License 2685 during the period of the proposed temporary transfer, which is proposed to occur beginning upon approval of this Petition and potentially during a period of up to one year following approval of this Petition. The storage in Lake McClure at the end of October 2019 is projected to be approximately 650,000 AF with the proposed temporary water transfer. If the entire amount of water is transferred, projected

Merced Irrigation District License 2685 (Application 1224)
Attachment to Petition for Temporary Transfer

storage in Lake McClure by the end of October would amount to a decrease of approximately 3 percent.

A potential effect to the downstream flow from the release of stored water may arise during the subsequent refill of the 20,000 AF of vacated stored water. This refill normally occurs during periods of high runoff and periods of low water demand by downstream water right holders. Merced will implement refill criteria to ensure no impact occurs. Absent the proposed temporary transfer, Merced would retain the entire quantity proposed for transfer in storage pursuant to its water rights, and the Transferees would meet their demands through alternate supplies, such as pumped groundwater. The Sustainable Groundwater Management Act (SGMA) directs the Department of Water Resources to develop groundwater basin priorities and identify groundwater basins and subbasins in conditions of critical overdraft. The proposed addition to the place of use includes lands overlying portions of the Merced Subbasin and the Turlock Subbasin. The Merced Subbasin has been identified as a critically overdrafted basin, and the Turlock Subbasin has been designated as high-priority. The proposed temporary water transfer will assist to alleviate groundwater conditions in portions of the subbasins by using the transferred surface water for irrigation in lieu of groundwater pumping.

Although there are water users diverting surface water between Merced's current points of return flow and the points at which the Transferees would return water to the system, we have responded to the relevant section of the Petition form as "not applicable." Merced would not transfer water such that it would adversely impact water users within Merced, and Merced will continue the same surface water deliveries to its existing customers with or without the proposed temporary water transfer; therefore, there will be no change in the return flow pattern from water users within Merced.

See files of the State Water Resources Control Board for more information regarding other legal water users, which may include the Delta water users, the Central Valley Project, and the State Water Project. The Department of Fish and Wildlife (DFW) and the Central Valley Regional Water Quality Control Board (CVRWQCB) were contacted regarding the proposed temporary water transfer. Copies of this Petition have been provided by Certified Mail to Annette Tenneboe (559-243-4014 x 231), Dean Marston, and Julie Vance of DFW, and Matt Scroggins (559-445-6042) of the CVRWQCB Fresno Office.

CB

5520.7/FINAL ATTACHMENT TO PETITION FOR TRANSFER 2019-05-17